

Shana Lazerow, State Bar No. 195491  
COMMUNITIES FOR A BETTER ENVIRONMENT  
1440 Broadway, Suite 701  
Oakland, California 94612  
Tel: (510) 302-0430  
Fax: (510) 302-0438

Attorneys for Plaintiff  
COMMUNITIES FOR A BETTER ENVIRONMENT

**UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**  
**SAN FRANCISCO DIVISION**

COMMUNITIES FOR A BETTER  
ENVIRONMENT, a California non-profit  
corporation,

Plaintiff,

vs.

ACTION METAL RECYCLING, INC., a  
California corporation,

Defendant.

CASE NO. C 07-02768 JCS

**NOTICE OF SETTLEMENT;  
JOINT REQUEST TO VACATE DATES**

1 WHEREAS, on February 21, 2008, Communities for a Better Environment and Action  
2 Metal Recycling, Inc. (the "Parties") agreed to the terms of a settlement;

3 WHEREAS, the Parties are in process of finalizing this settlement in the form of a  
4 Consent Agreement;

5 WHEREAS, upon execution, the Parties will submit the Consent Agreement to the  
6 Department of Justice for 45 day review as required by the federal Clean Water Act, 33 U.S.C.  
7 1365 and 40 C.F.R. 135.5;

8 WHEREAS, upon execution, the Parties will submit the Consent Agreement to this Court  
9 for review and approval;

10 Therefore, the Parties now respectfully request this Court vacate all pending dates for this  
11 action, including the February 22, 2008, case management statement filing deadline and the  
12 February 29, 2008, case management conference.

13  
14 Dated: February 21, 2008

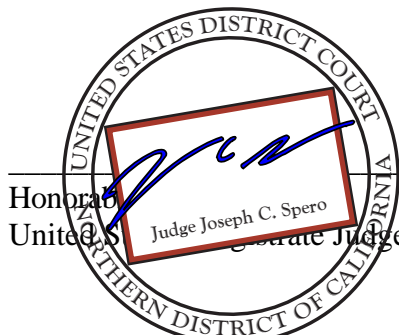
\_\_\_\_\_/s/\_\_\_\_\_  
Shana Lazerow<sup>1</sup>  
Attorney for Plaintiff  
COMMUNITIES FOR A BETTER ENVIRONMENT

15  
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18 Dated: February 21, 2008

\_\_\_\_\_/s/\_\_\_\_\_  
W. Lee Smith  
TRUTANICH MICHEL, LLP  
Attorney for Defendant  
ACTION METAL RECYCLING, INC

19  
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21  
22 **IT IS SO ORDERED.**

23  
24 Date: 2/25/08



<sup>1</sup> As the filing attorney, I certify that counsel for Action Metal has authorized me to file this document with his signature. Pursuant to General Order 45 IX, this action being designated for electronic filing, the above document is deemed served on Defendant upon filing via the ECF.